

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

CONSTANCE STANLEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	FILE NO: 1:20-CV-00750-AT
CARDINAL HEALTH INC., COVIDIEN	)	
SALES, LLC., JOHN DOE, JANE DOE,	)	
ABC CO., and XYZ CO.	)	
	)	
Defendants.	)	

**AMENDED COMPLAINT**

COMES NOW, CONSTANCE STANLEY (Plaintiff), by and through the undersigned counsel and hereby files this Complaint against JOHN DOE, JANE DOE, ABC CORP., XYZ CORP. CARDINAL HEALTH, INC., (Cardinal) and COVIDIEN SALES, LLC., (Covidien) (Defendants') and shows this Honorable Court as following:

**INTRODUCTION**

The preceding paragraphs and allegations are hereby incorporated herein by reference as if fully set forth herein.

1.

Served with this Complaint are Plaintiff's Interrogatories to Defendants, Plaintiff's Request of Production to Defendants, and Plaintiff's Request for Admission to Defendants.

**PARTIES, JURISDICTION AND VENUE**

The preceding paragraphs and allegations are hereby incorporated herein by reference as if fully set forth herein.

1.

Plaintiff Constance Stanley is an individual and resident of Fulton County, Georgia and submits to the jurisdiction and venue of this Court.

3.

Jurisdiction is proper as to Cardinal Health, Inc. because Defendant Cardinal is registered to do business in the state of Georgia.

4.

Venue is proper as to Cardinal, because Cardinal's registered agent is located in Gwinnett County, Georgia, and may be served with a copy of this Complaint and Summons at 289 S Culver St, Lawrenceville, GA, 30046.

5.

Jurisdiction is proper as to Covidien Sales, LLC because Defendant Covidien is registered to do business in the state of Georgia.

6.

Venue is proper as to Covidien, because Covidien's registered agent is located in Gwinnett County, Georgia, and may be served with a copy of this Complaint and Summons at 40 Technology Parkway South, #300, Norcross, GA 30092.

**FACTS APPLICABLE TO ALL CLAIMS**

Plaintiff hereby incorporates by reference the allegations contained in this Complaint for Damages and reasserts said allegations as if fully set forth herein.

7.

On or about February 3, 2018, the date of her injuries, Plaintiff was a passenger of a tractor trailer.

8.

On or about February 3, 2018, Defendants John Doe and Jane Doe, employees of Defendants' Covidien and Cardinal, loaded Plaintiff's tractor trailer with medical supplies.

9.

On the same day, the Plaintiff was traveling on Georgia Highway 47.

10.

As the driver of the tractor trailer was making a turn onto Georgia Highway 43 Spur, the tractor trailer rolled onto its left side crossing all lanes of the Georgia Highway 43.

11.

The accident described in Paragraph 8 caused Plaintiff to sustain multiple injuries to her body, requiring extensive and subsequent medical treatment.

12.

At the time of the collision described in Paragraph 10, Defendants Jane Doe and Defendant John Does were working as an employee or agent of Defendants' Covidien and Cardinal.

**COUNT I – NEGLIGENCE**

Plaintiff hereby incorporates by reference the allegations contained in this Complaint for Damages and reasserts said allegations as if fully set forth herein.

13.

The tractor trailer accident, described in Paragraphs 5-8, above constitutes the basis for this cause of action. Plaintiff's injuries and damages, as set forth below were proximately caused by the negligent and careless conduct of Defendant in one or more of the following respects causing the aforementioned tractor trailer accident.

14.

Defendants John Doe and Jane Doe owed Plaintiff a duty to use reasonable care when loading the items into the tractor trailer.

15.

Defendants John Doe and Jane Doe breached the duty owed to Plaintiff by improperly loading the tractor trailer and causing the collision described in Paragraphs 5-8.

16.

As a direct and proximate result of Defendant John Doe and Jane Doe's negligence, Plaintiff sustained significant bodily injuries. Plaintiff has incurred and will incur future medical expenses, in an amount to be proven at trial, for the treatment of the injuries caused solely by the negligence of the Defendant.

17.

Plaintiff is entitled to recover of Defendant John Doe and Jane Doe such reasonable sums as compensatory, general and special damages as may be shown by the evidence.

18.

Plaintiff was without fault in causing the aforementioned incident.

**COUNT II– RESPONDEAT SUPERIOR**

Plaintiff hereby incorporates by reference the allegations contained in this Complaint for Damages and reassert said allegations as if fully set forth herein.

19.

On the date of the collision, Defendants' Covidien and Cardinal employed or otherwise had an agency relationship with Defendants John Doe and Jane Doe.

20.

The negligent acts of Defendant John Doe and Jane Doe took place during the course and scope of their employment and/or agency relationship with Defendants' Covidien and Cardinal.

21.

Pursuant to O.C.G.A. § 51-2-2 and/or the doctrine of respondeat superior, Defendants' Covidien and Cardinal are legally and vicariously liable for any negligent acts committed by Defendant John Doe and Jane Doe, acting within the scope of employment or agency with Covidien and Cardinal, which proximately caused or contributed to the injuries suffered by the Plaintiff.

**WHEREFORE**, the Plaintiff prays:

1. That Defendants are served with summons, process and a copy of this Complaint as provided by law;
2. That Plaintiff obtain judgment against the Defendants' for general and special damages as determined at trial as well as costs of litigation and expenses;

3. That the Plaintiff be granted a trial by jury as to all triable issues in this cause; and
4. For such other and further relief as this Court deems just and equitable under all circumstances alleged and contained herein.

This the 6<sup>th</sup> day of October, 2020.

HAUG LAW GROUP, LLC

/s/ William T. Joyner

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